Scott. II.-27—100,000—21-5-38.

(1949) Department.

SERIES

G.O. No. 582

Dated 7-2-49

[Despatch Abstract.]

Labour - Disputes - Dispute between workers and [illegible]agements of Air Services Jurisdiction of Provincial Government - Instructions from Government of India - Communicated to Commissioner of Labour - Papers - Recorded.

No. C6/9122/48.

Office of the Commissioner of Labour
Chepauk, Madras, dated 6.12.1948.

From

Sri Rao Sahib C.G. Reddi,
Commissioner of Labour, Madras.

Joint Secretary to Government,
Development Department, Madras.

Sir,

Sub:- Labour - The Jupiter Airways Limited, Meenambakam, Madras - Strike - Jurisdiction.

Ref:- My letter to Government No. C6/9122/48 dated 21.10.48.

I invite the attention of Government to my letter cited regarding the dispute between the workers and the management of the Jupiter Airways Limited, Madras.

The Labour Conciliation Officer of the Government of India, Ministry of Labour, Vepery, Madras addressed the Regional Labour Commissioner (Central) Southern Zone, Bombay, on the question as to who should deal with disputes between the workers and the employers operating Air Transport Services. The Regional Labour Commissioner (Central) Southern Zone, Bombay, stated that the Chief Labour Commissioner, Delhi has ruled that Industrial Disputes between employers operating Air Services and their workers fall under the Provincial Sphere. A copy of the Regional Labour Commissioner's letter No. CON/48/6/11264 dated 13.11.46 is enclosed.

The Labour Conciliation Officer of the Government of India, Madras has therefore advised the Jupiter Airways Employees' Union, Meenambakkam to approach me direct in connection with the settlement of the dispute mentioned above.

"Air craft and Air Navigation, the provision of Aerodromes, Regulation and Organization of Air traffic and of Aerodromes' falls under the Federal Legislative List and not under the Provincial Legislative List. Please see item 24 at page 301 of the Government of India Act, 1935. In the Draft Constitution of India, the Federal List has been replaced by the Union List and the Provincial List by the State List; and 'Airways'; Aircraft and Air Navigation' falls under the Union List. Please see item 30 at page 507 of the Draft Constitution of India. It would therefore appear that 'Airways, Aircrafts, etc.' fall under the Central sphere and not under the Provincial sphere. As the Chief Labour Commissioner, Delhi has stated that the Industrial Disputes between Employers operating Air Services and their workers fall under the Provincial sphere, I request that the Government may be pleased to take up the matter with the Ministry of Labour, Government of India with a view to decide the authority as to who should deal with the Industrial Disputes between the employers operating Air Services and their workers.

Henry Peter,
For Commissioner of Labour.

Copy of letter No. CON/48/6/11264 dated 13.11.1948 from the Regional Labour Commissioner (Central), Southern Zone, Bombay to the Conciliation Officer (Central), Vepery, Madras.

Sub:- Jurisdiction of Central Industrial Relations Machinery in respect of Air Transport.

Reference your letter No. IRM/15 of 5th November

1948 on the above subject.

The question regarding jurisdiction over Air Transport was taken up by this office with the Chief Labour Commissioner, last year and he had informed that industrial disputes between employers operating an Air Service and their workers fell under the Provincial Sphere.

GOVERNMENT OF MADRAS.
Development Department.

Letter/Reference No. 130952/P.III/48-2.

From

Sri. K.G. Menon, I.C.S.,
Joint Secretary to Government.

To

The Secretary to the Government of India,
Ministry of Labour,
Government of India, New Delhi.

Dated, Fort St. George, the 27th December 1948.

Sir,

Sub:- Labour - Disputes - Dispute between the workers and management of the Jupiter Air Ways Limited, Madras - Jurisdiction.

The Commissioner of Labour, Madras has reported that an industrial dispute has arisen between the employees and management of the Jupiter Airways Limited, Madras and that the parties have approached him having been directed by the Central Labour Conciliation Officer at Madras following the decision of the Chief Labour Commissioner, Delhi that industrial disputes in Air Services come under the Provincial sphere.

I am directed to invite attention to section 2(a)(i) of the Industrial Disputes Act, 1947 and to enquire whether 'Air Services' and 'Air Navigation' will not fall under the category of industries carried on under the authority of the Central Government.

Yours faithfully,

K.G. Menon,
Joint Secretary to Government.

Copy to the Commissioner of Labour, Madras.

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GOVERNMENT OF INDIA
Ministry of Labour.

Dated, New Delhi, the 19.1.49.

From

N.C. Kuppuswami, Esquire, B.A. (Hons).,
Under Secretary to the Government of India.

To

The Secretary to the Government of Madras,
Development Department.

To

The Secretary to the Government of Madras,
Development Department.

Sub:- Industrial dispute in Airways Companies.

Sir,

With reference to your letter No. 130952/P.III/48-2 dated the 27th December 1948, I am directed to state that for purposes of Section 2(a)(i) of the Industrial Disputes Act, 1947, 'Air service and Air Navigation' will not ordinarily fall under the category of industries carried on under the the authority of the Central Government except in the case of particular air service companies which are carried on under the authority of the Central Government. There is at present no air transport company which is run under the control of the Central Government and industrial disputes in such concerns will not, therefore, fall within the 'central sphere'.

Yours faithfully,

N.C. Kuppuswami,
Under Secretary to the Government
of India.

Office Assistant,
Madras Record Office.

20/10

k.y.s. 19.10.

DEVELOPMENT DEPARTMENT

Sub:- Labour - Disputes - Dispute between the management and employees of the Jupiter Airways Limited, Meenambakkam, Madras - Jurisdiction.

Ref:- From the Commissioner of Labour, Madras, No. C6/9122/48 dated 6.12.1948.

To H.S

The Commissioner of Labour reported at pp-1-2 of (g) that an industrial dispute has arisen between the employees and management of the Jupiter Airways Limited, Madras in respect of irregular payment of salaries and the dismissal of Chief Engineer of the Company, Mr. P.K. Bhavani and that he referred the parties to the Labour Conciliation Officer (Central) at Madras, as he considered it to be a central subject. The matter was not then pursued. The Commissioner of Labour now reports that the parties have approached him again, having been directed by the Central Conciliation Officer, as the Chief Labour Commissioner, Delhi has ruled that Industrial Disputes between employers operating Air Services and their workers fall under the Provincial sphere - vide page 2 c.f. He further adds that as 'Air Craft' and 'Air Navigation' comes under Federal list both under the Government of India Act, 1935 and also under the new Draft Constitution of India, the question may be taken up with the Ministry of Labour, Governmen of India with a view to decide the authority as to who should deal with industrial disputes arising in Air Services.

2. It seems doubtful whether the jurisdiction in the matter of disputes as between Provinces and centre can be decided following the legislative lists of the Government of India Act, 1935, which are obviously meant for legislative purposes only - vide Part V, section 99-109 of the Act. The Provinces or the centre, as the case may be, derive their respective jurisdiction to deal with industrial disputes only under the Industrial Disputes Act, 1947, as defined in section 2(a) thereof. Under section 2(a)(1) of the Act, the industries to be dealt with by the Central Government are specifically enumerated and 'Air services' is not included therein. Under section 2(a)(ii) for all other disputes Provincial Government is defined to be the 'appropriate Government'. Hence if the 'Airways and Air Navigation' is not considered to be an industry carried on by or under the authority of the Central Government then it automatically falls under the provincial sphere under section 2(a)(ii). Legal Department may be requested to advise in the matter before proceeding further.

Airways and Air Navigation seem to be industries carried on under the authority of the Central Government

x x x
13.12.48.

K.G. Menon,
13.12.1948.

LEGAL DEPARTMENT

'Airways and Air Navigation' cannot be stated to be an industry carried on by or under the authority of the Central Government within the meaning of section 2(a)(i) of the Industrial Disputes Act, 1947. This is made clear by the

definition of 'employer' in section 2(g) of the Act. If the industry were to be considered to be carried on under the authority of the Central Government, the employer should then be the head of the concerned Department of the Central Government, if no other authority is specified. Admittedly in this case the management of the Jupiter Airways are the employers. This Department therefore agrees with the view expressed at 'A' on the previous page.

DEVELOPMENT DEPARTMENT

Legal Department's note above may be perused. If the industry is carried on by the Central Government then the employer should be the head of the concerned department of the Central Government. But it is not quite clear why the employer should be the Central Government, itself in the case of an industry run under their authority. The Government of India may be addressed in the matter as it is not free from doubt. Draft letter is submitted below for approval.

K.G. Menon,
26.12.1948.

(Issued as Letter No. 130952/P.III/48-2 dated 27.12.48).
From the Government of India, Ministry of Labour,
No. Letter No. L/R/1(35) dated 19.1.1949.

Please see the letter from the Government of India at page 5 c.f. in reply to our reference at pages 3-4 c.f. Copy of the Government of India's letter may be communicated to the Commissioner of Labour for information. A draft endorsement is submitted on page 5 c.f. for approval.

x x x
25.1.

K.G. Menon,
26.1.

H.S.R. 29.11.
H.M.(Industries).

(Issued as Endorsement No. 130952/P.III/48-3 dated 26.1.49).

The papers may be recorded as Miscellaneous Government Order to facilitate future reference.

x x x
6.2.49.

G.O.Ms. No. 582 dated 7.2.1949.

Labour - Disputes - Dispute between workers and managements of Air Services - Jurisdiction of Provincial Government - Instructions from Government of India - Communicated to Commissioner of Labour - Papers - Recorded.

/True copy/

Office Assistant,
Madras Record Office.